IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

THURSDAY, THE 13TH SEPTEMBER 2007 / 22ND BHADRA 1929

CRL.A.No. 1745 of 2003()

AGAINST THE JUDGEMENT/ORDER IN CRLP.325/2003 Dated 22/08/2003
CC.243/2000 of JUDL.MAGISTRATE OF FIRST CLASS-I, MUVATTUPUZHA

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APPELLANT: COMPLAINANT.

K.T.SHAJI, S/O.THANKAPPAN,
KALLELIL HOUSE,VARAPPETTY P.O.,
KOTHAMANGALAM.

BY ADV. SRI.T.M.RAMAN KARTHA
SMT.MANJU R.KARTHA

RESPONDENTS: ACCUSED & STATE.

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1. C.C.MATHEW, CHETTIKUZHYIL HOUSE,
AYANKARA P.O. PAINGOTTUR, POTHANICADU.

2. THE STATE OF KERALA, REP. BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 13/09/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

K.R.UDAYABHANU, J

Crl.A.No.1745 of 2003

Dated this the 13th day of September, 2007

JUDGMENT

The appellant is the complainant who had initiated proceedings under Section 138 of the Negotiable Instruments Act. The accused stands acquitted under Section 256(i) of Crl.P.C. as the complainant was absent. It is submitted that the lapse was on account of the wrong noting of the posting of the case.

2. In the circumstances, the order of the court below is set aside. The court below is directed to permit the appellant to further proceed with the matter and dispose of the case on merits. The court below shall issue fresh summons to the accused. The appellant shall appear before the court below on 15.10.2007.

The appeal is allowed.

K.R.UDAYABHANU,
JUDGE

csl